

S. 1158

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Huna Totem Corporation Land Exchange Act".

**SEC. 2. AMENDMENT OF SETTLEMENT ACT.**

The Alaska Native Claims Settlement Act (Public Law 92-203, December 18, 1971, 85 Stat. 688, 43 U.S.C. 1601, et seq.), as amended, is further amended by adding a new section to read:

**"SEC. \_\_\_\_\_. HUNA TOTEM CORPORATION LAND EXCHANGE.**

"(a) GENERAL.—In exchange for lands and interests therein described in subsection (b), the Secretary of Agriculture shall, subject to valid existing rights, convey to the Huna Totem Corporation the surface estate and to Sealaska Corporation the subsurface estate of the Federal lands identified by Huna Totem Corporation pursuant to subsection (c): *Provided*, That, the exchange of lands described in this section shall be on the basis of equal value.

"(b) DESCRIPTION.—The surface estate to be conveyed by Huna Totem Corporation and the subsurface estate to be conveyed by Sealaska Corporation to the Secretary of Agriculture are the municipal watershed lands as shown on the map dated September 1, 1997, and labeled attachment A, and are further described as follows:

**"MUNICIPAL WATERSHED AND  
GREENBELT BUFFER  
"T43S, R61E, C.R.M.**

| Portion of Section | Approximate Acres |
|--------------------|-------------------|
| 16 .....           | 2                 |
| 21 .....           | 610               |
| 22 .....           | 227               |
| 23 .....           | 35                |
| 26 .....           | 447               |
| 27 .....           | 400               |
| 33 .....           | 202               |
| 34 .....           | 76                |

Approximate total ..... 1,999

"(c) DEADLINE.—Within ninety (90) days of the receipt by the United States of the conveyances of the surface estate and the subsurface estate described in subsection (b), Huna Totem Corporation shall be entitled to identify lands readily accessible to the Village of Hoonah and, where possible, located on the road system to the Village of Hoonah, as depicted on the map dated September 1, 1997, and labeled Attachment B. Huna Totem Corporation shall notify the Secretary of Agriculture in writing which lands Huna Totem Corporation has identified.

"(d) TIMING OF CONVEYANCE AND VALUATION.—The conveyance mandated by subsection (a) by the Secretary of Agriculture shall occur within ninety (90) days after the list of identified lands is submitted by Huna Totem Corporation pursuant to subsection (c).

"(e) TIMBER MANUFACTURING; EXPORT RESTRICTION.—Notwithstanding any other provision of law, timber harvested from land conveyed to Huna Totem Corporation under this section is not available for export as unprocessed logs from Alaska, nor may Huna Totem Corporation sell, trade, exchange, substitute, or otherwise convey that timber to any person for the purpose of exporting that timber from the State of Alaska.

"(f) RELATION TO OTHER REQUIREMENTS.—The land conveyed to Huna Totem Corporation and Sealaska Corporation under this section shall be considered, for all purposes, land conveyed under the Alaska Native Claims Settlement Act.

"(g) MAPS.—The maps referred to in this section shall be maintained on file in the Of-

fice of the Chief, United States Forest Service, and in the Office of the Secretary of the Interior, Washington, D.C. The acreage cited in this section is approximate, and if a discrepancy arises between cited acreage and the land depicted on the specified maps, the maps shall control. The maps do not constitute an attempt by the United States to convey State or private land."

**KAKE TRIBAL CORPORATION LAND EXCHANGE ACT**

The Senate proceeded to consider the bill (S. 1159) to amend the Alaska Native Claims Settlement Act, regarding the Kake Tribal Corporation public interest land exchange, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Kake Tribal Corporation Land Exchange Act".

**SEC. 2. AMENDMENT OF SETTLEMENT ACT.**

The Alaska Native Claims Settlement Act (Public Law 92-203, December 18, 1971, 85 Stat. 688, 43 U.S.C. 1601 et seq.), as amended, is further amended by adding at the end thereof:

**"SEC. KAKE TRIBAL CORPORATION LAND EXCHANGE.**

"(a) GENERAL.—The Secretary of Agriculture in accordance with the equal value provisions of section 22(f) shall convey to the Kake Tribal Corporation the Federal land as described in subsection (c).

"(b) TITLE TO SURFACE AND SUBSURFACE.—Subject to valid existing rights and easements, the Secretary shall, no later than the deadline specified in (c)(2) of this section, convey to Kake Tribal Corporation title to the surface estate in the land described in subsection (c)(2) and convey to Sealaska Corporation title to the subsurface estate in that land.

"(c) DESCRIPTION AND DEADLINES.—The land to be conveyed under this section is in the Copper River Meridian and is further described as follows:

"(1) the surface and subsurface estates to the municipal watershed land to be conveyed by Kake Tribal Corporation and Sealaska to the United States no later than 90 days after the effective date of this section is shown on the map dated September 1, 1997, and labeled Attachment A, and is described as follows:

**MUNICIPAL WATERSHED****T56S, R72E**

| Section  | Approximate acres |
|----------|-------------------|
| 13 ..... | 82                |
| 23 ..... | 118               |
| 24 ..... | 635               |
| 25 ..... | 640               |
| 26 ..... | 346               |
| 34 ..... | 9                 |
| 35 ..... | 349               |
| 36 ..... | 248               |

Approximate total ..... 2,427 and

"(2) the surface and subsurface estates to the land to be conveyed to Kake Tribal Corporation and Sealaska by the Secretary of Agriculture shall be lands in the Hamilton Bay and Saginaw Bay areas and shall be conveyed within 180 days after the conveyance of lands in subsection (c)(1); and are to be selected from the lands depicted on the maps dated September 1, 1997, and labeled Attachments B and C.

"(d) MANAGEMENT OF WATERSHED.—The Secretary of Agriculture shall enter into a

Memorandum of Agreement with the City of Kake, Alaska, to provide for management of the municipal watershed.

"(e) TIMBER MANUFACTURING; EXPORT RESTRICTION.—Notwithstanding any other provision of law, timber harvested from land conveyed to Kake Tribal Corporation under this Act is not available for export as unprocessed logs from Alaska, nor may Kake Tribal Corporation sell, trade, exchange, substitute, or otherwise convey that timber to any person for the purpose of exporting that timber from the State of Alaska.

"(f) RELATION TO OTHER REQUIREMENTS.—The land conveyed to Kake Tribal Corporation and Sealaska Corporation under this section shall be for all purposes, considered land conveyed under the Alaska Native Claims Settlement Act.

"(g) MAPS.—The maps referred to in this section shall be maintained on file in the Office of the Chief, United States Forest Service, and in the Office of the Secretary of the Interior, Washington, DC. The acreage cited in this section is approximate, and if a discrepancy arises between cited acreage and the land depicted on the specified maps the maps shall control. The maps do not constitute an attempt by the United States to convey State or private land."

In lieu of the Committee substitute strike all after Section 1. and insert the following:

**SEC. 2. AMENDMENT OF SETTLEMENT ACT.**

The Alaska Native Claims Settlement Act (Public Law 92-203, December 18, 1971, 85 Stat. 688, 43 U.S.C. 1601 et seq.), as amended, is further amended by adding at the end thereof: "SEC. KAKE TRIBAL CORPORATION LAND EXCHANGE.

"(a) GENERAL.—In exchange for lands and interests therein described in subsection (b), the Secretary of Agriculture shall, subject to valid existing rights, convey to the Kake Tribal Corporation the surface estate and to Sealaska Corporation the subsurface estate of the Federal land identified by Kake Tribal Corporation pursuant to subsection (c): *Provided*, That, the exchange of lands described in this section shall be on the basis of equal value.

"(b) The surface estate to be conveyed by Kake Tribal Corporation and the subsurface estate to be conveyed by Sealaska Corporation to the Secretary of Agriculture are the municipal watershed lands as shown on the map dated September 1, 1997, and labeled Attachment A, and are further described as follows:

**MUNICIPAL WATERSHED COPPER RIVER  
MERIDIAN—T56S, R72E**

| Section: | Approximate acres |
|----------|-------------------|
| 13 ..... | 82                |
| 23 ..... | 118               |
| 24 ..... | 635               |
| 25 ..... | 640               |
| 26 ..... | 346               |
| 34 ..... | 9                 |
| 35 ..... | 349               |
| 36 ..... | 248               |

Approximate total ..... 2,427

"(c) Within ninety (90) days of the receipt by the United States of the conveyances of the surface estate and the subsurface estate described in subsection (b), Kake Tribal Corporation shall be entitled to identify lands in the Hamilton Bay and Saginaw Bay areas, as depicted on the maps dated September 1, 1997, and labeled Attachment B and C. Kake Tribal Corporation shall notify the Secretary of Agriculture in writing which lands Kake Tribal Corporation has identified.

"(d) TIMING OF CONVEYANCE AND VALUATION.—The conveyance mandated by subsection (a) by the Secretary of Agriculture shall occur within ninety (90) days after the

list of identified lands is submitted by Kake Tribal Corporation pursuant to subsection (c).

“(e) MANAGEMENT OF WATERSHED.—The Secretary of Agriculture shall enter into a Memorandum of Agreement with the City of Kake, Alaska, to provide for management of the municipal watershed.

“(f) TIMBER MANUFACTURING; EXPORT RESTRICTION.—Notwithstanding any other provision of law, timber harvested from land conveyed to Kake Tribal Corporation under this section is not available for export as unprocessed logs from Alaska, nor may Kake Tribal Corporation sell, trade, exchange, substitute, or otherwise convey that timber to any person for the purpose of exporting that timber from the State of Alaska.

“(g) RELATION TO OTHER REQUIREMENTS.—The land conveyed to Kake Tribal Corporation and Sealaska Corporation under this section shall be considered, for all purposes, land conveyed under the Alaska Native Claims Settlement Act.

“(h) MAPS.—The maps referred to in this section shall be maintained on file in the Office of the Chief, United States Forest Service, and in the Office of the Secretary of the Interior, Washington, D.C. The acreage cited in this section is approximate, and if a discrepancy arises between cited acreage and the land depicted on the specified maps, the maps shall control. The maps do not constitute an attempt by the United States to convey State or private land.

The amendment (No. 3043) was agreed to.

The bill (S. 1159), as amended, was passed, as follows:

S. 1159

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Kake Tribal Corporation Land Exchange Act”.

#### SEC. 2. AMENDMENT OF SETTLEMENT ACT.

The Alaska Native Claims Settlement Act (Public Law 92-203, December 18, 1971, 85 Stat. 688, 43 U.S.C. 1601, et seq.), as amended, is further amended by adding at the end thereof:

#### “SEC. \_\_\_\_\_. KAKE TRIBAL CORPORATION LAND EXCHANGE.

“(a) GENERAL.—In exchange for lands and interests therein described in subsection (b), the Secretary of Agriculture shall, subject to valid existing rights, convey to the Kake Tribal Corporation the surface estate and to Sealaska Corporation the subsurface estate of the Federal lands identified by Kake Tribal Corporation pursuant to subsection (c): *Provided*, That, the exchange of lands described in this section shall be on the basis of equal value.

“(b) DESCRIPTION.—The surface estate to be conveyed by Kake Tribal Corporation and the subsurface estate to be conveyed by Sealaska Corporation to the Secretary of Agriculture are the municipal watershed lands as shown on the map dated September 1, 1997, and labeled attachment A, and are further described as follows:

“MUNICIPAL WATERSHED COPPER RIVER MERIDIAN

“T56S, R72E

| “Section                | Approximate Acres |
|-------------------------|-------------------|
| 13 .....                | 82                |
| 23 .....                | 118               |
| 24 .....                | 635               |
| 25 .....                | 640               |
| 26 .....                | 346               |
| 34 .....                | 9                 |
| 35 .....                | 349               |
| 36 .....                | 248               |
| Approximate total ..... | 2,427             |

“(c) DEADLINE.—Within ninety (90) days of the receipt by the United States of the conveyances of the surface estate and the subsurface estate described in subsection (b), Kake Tribal Corporation shall be entitled to identify lands in the Hamilton Bay and Saginaw Bay areas, as depicted on the maps dated September 1, 1997, and labeled Attachments B and C. Kake Tribal Corporation shall notify the Secretary of Agriculture in writing which lands Kake Tribal Corporation has identified.

“(d) TIMING OF CONVEYANCE AND VALUATION.—The conveyance mandated by subsection (a) by the Secretary of Agriculture shall occur within ninety (90) days after the list of identified lands is submitted by Kake Tribal Corporation pursuant to subsection (c).

“(e) MANAGEMENT OF WATERSHED.—The Secretary of Agriculture shall enter into a Memorandum of Agreement with the City of Kake, Alaska, to provide for management of the municipal watershed.

“(f) TIMBER MANUFACTURING; EXPORT RESTRICTION.—Notwithstanding any other provision of law, timber harvested from land conveyed to Kake Tribal Corporation under this section is not available for export as unprocessed logs from Alaska, nor may Kake Tribal Corporation sell, trade, exchange, substitute, or otherwise convey that timber to any person for the purpose of exporting that timber from the State of Alaska.

“(g) RELATION TO OTHER REQUIREMENTS.—The land conveyed to Kake Tribal Corporation and Sealaska Corporation under this section shall be considered, for all purposes, land conveyed under the Alaska Native Claims Settlement Act.

“(h) MAPS.—The maps referred to in this section shall be maintained on file in the Office of the Chief, United States Forest Service, and in the Office of the Secretary of the Interior, Washington, D.C. The acreage cited in this section is approximate, and if a discrepancy arises between cited acreage and the land depicted on the specified maps, the maps shall control. The maps do not constitute an attempt by the United States to convey State or private land.”.

Mr. MURKOWSKI. Mr. President, today I offer substitute amendments to two similar bills passed out of the Energy and Natural Resources Committee earlier this year. The two bills are S. 1158, a bill to amend the Alaska Native Claims Settlement Act, regarding the Huna Totem Corporation Public Interest Land Exchange, and S. 1159, a bill to amend the Alaska Native Claims Settlement Act, regarding the Kake Tribal Corporation Public Interest Land Exchange. Both of these bills direct the Secretary of Agriculture to conclude land exchanges which collectively will allow Kake and Huna to exchange land needed as municipal watershed in exchange for other Forest Service lands.

By passing these bills two objectives will be met. First, the two corporations will finally be able to fully recognize the economic benefits promised to them under ANCSA. Second, the watersheds that provide the respective communities of Hoonah, Alaska and Kake, Alaska will be protected in order to provide safe water for those communities.

The substitutes I offer today clarify several issues that were raised during the Committee hearings and mark-up. First, the substitutes again direct that

the Sealaska subsurface interest will mirror the Kake and Huna lands to be conveyed to the Secretary of Agriculture and the new lands to be conveyed to the corporations. Second the substitute clarifies that these exchange are to be done on an equal value basis. Both the Secretary of Agriculture and the corporations insisted this be the case. I believe this is critical, Mr. President, because both S. 1158 and S. 1159 provide that any timber derived from the newly acquired lands be processed in-state, a requirement that does not currently exist on the watershed lands the corporations are exchanging. Therefore, if this exchange was simply done on an acre-for-acre basis it is likely that the acreage the corporations are exchanging, without any timber export restrictions, would have a much higher value than what they get in return. It is for this reason that these exchanges were not done on an acre-for-acre basis. If it ends up that either party has to receive additional compensation, either additional land or cash to equalize the value, then it is my hope this is done in an expeditious way to allow the exchange to move forward within the times specified in the legislation.

I believe these two pieces of legislation are in the best interest of the native corporations, the Alaska communities where the watersheds are located, and the Federal government. It is my intention to try and pass these bills out of the Senate before the end of this session of Congress.

#### HYDROELECTRIC PROJECTS ACT OF 1997

The Senate proceed to consider the bill (S. 439) to provide for Alaska State jurisdiction over small hydroelectric projects, to address voluntary licensing of hydroelectric projects, to address voluntary licensing of hydroelectric projects on fresh waters in the State of Hawaii, to provide an exemption for portion of a hydroelectric project located in the State of New Mexico, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in *italic*.)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. ALASKA STATE JURISDICTION OVER SMALL HYDROELECTRIC PROJECTS.

[The Federal Power Act, as amended (16 U.S.C. 1791a et seq.) is further amended by adding the following at the end of section 23:

“(c) In the case of any project works in the State of Alaska—

“(1) that are not part of a project licensed under this Act prior to the date of enactment of this subsection;

“(2) for which a preliminary permit or a license application has not been accepted for filing by the Commission prior to the date of enactment of this subsection (unless such application is withdrawn at the election of the applicant);